

**To:** Monsen, Dawn M.[dawn.monsen@klgates.com]  
**Cc:** Hyatt, Jr., William[william.hyatt@klgates.com]  
**From:** Flanagan, Sarah  
**Sent:** Fri 5/29/2015 9:58:15 PM  
**Subject:** RE: Eden Wood/Performance Guarantee

Dawn,

I don't think we have any reason to object in principle if you can cover the invoices as they come in. I do think it would be prudent to amend the agreement at this point. What will you say is the date by which the last payment would be made?

-Sarah

Sarah P. Flanagan  
Office of Regional Counsel, NJ Superfund Branch  
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**From:** Monsen, Dawn M. [mailto:dawn.monsen@klgates.com]  
**Sent:** Friday, May 29, 2015 11:48 AM  
**To:** Flanagan, Sarah  
**Cc:** Hyatt, Jr., William  
**Subject:** Eden Wood/Performance Guarantee

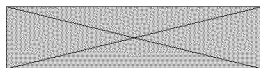
Sarah,

By way of update regarding the attached letter from Eden Wood, we are in the process of completing an investigation of their factual allegations and scheduling a meeting with their

counsel in June. In the meantime, we remain short on their overdue trust payment obligations of nearly \$500K. Former member Seton Tanning also has approximately \$200K in overdue trust assessments. We have been in communication with its counsel and are actively attempting to receive payment for which they remain responsible for.

As a result, with regard to the remaining \$1.6M due to be paid in the RI/FS Trust, we respectfully request that EPA accept \$900K by early next week, which we believe will sufficiently cover the work in the coming months. We recognize that to the extent funds are not timely recovered from Eden Wood and Seton Tanning, the balance may need to be raised from the current CPG members while we pursue appropriate remedies. We will keep EPA updated. Please also let me know if you would prefer we prepare a proposed amendment to the trust agreement.

Thanks,  
Dawn



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